

Susan M. Silverman

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September 20, 2012

Federal Election Commission
Att: Jeff S. Jordan, Esq.
999 E. Street, NW
Washington, D.C. 20463

2012 OCT -2 AM 9:36

OFFICE OF THE CLERK
U.S. DEPT. OF JUSTICE

RE: MUR 6636

Dear Mr. Jordan:

I am counsel for the Mittman for Congress Campaign, in connection with a complaint filed by Elliot Arroyo : Brooklyn New York 11237. As a brief background, this individual was hired by a consultant, not by this campaign. On or about June 23, 2012, the consultant requested that the campaign pay Mr. Arroyo directly as an "independent contractor". The consultant received a check made payable to Mr. Arroyo for the full amount requested which was represented to be his payment in full for all work performed on behalf of the campaign. This check dated June 23, 2012, was reported to the FEC in the July quarterly filing. The consultant represented to the committee that he had this person's pedigree information including his social security number, driver's license and time sheet to back up this payment. To date no such information has been provided.

Immediately following the June 26, 2012 election, the campaign office received a call claiming that the campaign truck knocked into the bumper of another vehicle on Sunday June 24, 2012. Mr. Arroyo was contacted regarding this and he stated that it never occurred as he was no longer driving the vehicle. He in fact had ceased his work for the campaign on June 23, 2012, the payment date.

The committee continued to request from the consultant, detailed work schedules & pedigree information for the FEC filings as well as for accounting purposes. In July 2012, Mr. Arroyo appeared at the personal office of the candidate requesting additional monies. When questioned specifically what this additional payment was for he initially stated it was for Sunday June 24, 2012 & Monday June 25, 2012, but after reminding him that he was not driving for the campaign as of June 23, 2012, he was not able to respond. He was told that there was no awareness that any further monies was due him. Further, Mr. Arroyo was requested to provide his total work hours for the campaign as well as his social security number. He failed to provide any information and specifically stated that he could not supply his social security number because he was "collecting unemployment".

Mr. Arroyo's statement within the complaint, "Mittman requested that I drive the campaign RV", is not true as Mittman had no such conversation or contact with Mr. Arroyo. He met Mr. Arroyo once during the entire campaign and had nothing to do with his hiring, work schedule or work duties. Further Mr. Arroyo's statement regarding driving to subways to meet Mittman @ 7:30 AM is as well a fabrication. At no time during the campaign did Mr. Arroyo show up with the RV while Mittman was at a subway station nor did he ever work until 9 PM. In fact Mittman questioned the whereabouts of the RV on numerous occasions because he was alone distributing material. This had been an issue that was addressed on several occasions by the campaign committee with the consultant. Repeatedly the campaign committee requested the information as to what Mr. Arroyo's actual work hours were since the RV was never where it was scheduled to be. This information was never supplied nor have invoices been provided to the campaign committee by Mr. Arroyo or anyone on his behalf for monies that he is requesting.

In response to the allegation of non-reporting of the RV, the consultant is the individual who rented & personally returned the vehicle following the election. Mr. Arroyo would have no personal knowledge of any specific information. The campaign committee has repeatedly requested that the consultant deliver all paperwork concerning the RV which includes the contract that he agreed to on behalf of the campaign. To date these requests have been ignored. There were no RV charges available or payments made prior to July. RV expenses will be reported in the October quarterly filing.

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Clearly a "campaign" [excuse the pun] has been waged against my client from only one source, and that is the consultant. It is transparent that in order for the consultant to divert attention from responding to the campaign's requests for documents (agreements, contracts, work logs, receipts, etc.) as well as the campaign's investigation into his conduct during the campaign and his background, he has put up various persons to make sham complaints against my client. Each such person had a personal relationship with the consultant prior to the campaign and no relationship with my client before, during or after the campaign. Upon information and belief, the entire packet including written correspondence and photos purportedly "sent in by Mr. Arroyo" were actually written and prepared by the consultant.

Since there is no filing irregularity herein as the July quarterly was complete and the October quarterly will be complete, no action should be taken against my client.

Please feel free to contact me if you have any additional questions. Thank you.

Sincerely,

Susan M. Silverman
Susan M. Silverman, Esq.

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

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COMMISSIONER

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6636

NAME OF COUNSEL: SUSAN SILVERMAN

FIRM: SUSAN SILVERMAN

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WILLISTON PARK, NY 11596

TELEPHONE- OFFICE (718) 225-8740

FAX ()

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

9/20/12
Date

Pess Mittman
Respondent/Agent -Signature

Treasurer
Title (Treasurer/Candidate/Owner)

NAMED RESPONDENT: MITMAN FOR Congress

MAILING ADDRESS: PO Box 243
(Please Print)

WILLISTON PARK, NY 11596

TELEPHONE- HOME ()

BUSINESS ()

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

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